

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Cause No.: **3:20-cv-759-E-BN**

BRADLEY B. MILLER,)	
)	
Plaintiff,)	
)	
v.)	
)	
VIRGINIA TALLEY DUNN, individually;)	
ANDREA PLUMLEE, in both individual and official)	
capacities; DANIELLE DIAZ, in both individual and)	
official capacities; PATRICIA LINEHAN ROCHELLE,)	
in both individual and official capacities; DAVID H.)	
FINDLEY, in both individual and official capacities;)	
MARYANN MIHALOPOULOS (aka MARYANN)	
BROUSSEAU), in both individual and official capacities;)	
THE HOCKADAY SCHOOL, by and through its Board)	
of Trustees; MEREDITH LEYENDECKER, individually;)	
BETH TAYLOR, individually; JOHN SUGHRUE,)	
individually; LACIE DARNELL, in both individual and)	
official capacities; MICHAEL CHARLES KELLER, in)	
both individual and official capacities; THE COUNTY)	INJUNCTIVE RELIEF
OF DALLAS, Texas; and THE CITY OF DALLAS, Texas)	REQUESTED
)	
Defendants.)	JURY TRIAL DEMANDED
)	

**Plaintiff's Motion to Disqualify
Judge Ada Brown**

Comes now Plaintiff, Bradley B. Miller, and files this Motion pursuant to 28 U.S. Code § 455, and in support shows the following:

I. Background and Argument

1. Miller previously filed a motion to disqualify Judge Ada Brown in a related

case in this Court on September 1, 2023. (*See* Doc.25 in NDTX case no. 3:23-CV-1696). This motion is materially the same as that prior one.

2. On March 31, 2020, Miller filed this Section 1983/1985 civil suit in this Court; the defendants include state court judges Andrea Plumlee and Danielle Diaz, as well as Miller's ex-wife Virginia Talley Dunn. The case was assigned to Judge Ada Brown. This Court dismissed Miller's suit under the *Rooker-Feldman* doctrine. *Miller v. Dunn, et al.*, 3:20-CV-00759 (N.D. Texas 2020). On June 6, 2022, the United States Court of Appeals for the Fifth Circuit reversed Judge Brown's ruling and remanded the case back to this Court. *Miller v. Dunn*, No. 20-11054 at 2 (5th Cir. 2022).

3. On June 22, 2022, this Court issued an *Order Regarding Jurisdictional Screening* in that suit, noting the 5th Circuit reversal and stating that the Court would review the existing filings, and issue an order on how the case would proceed "as soon as practicable considering the Court's docket." Doc.23 at 2. **The Court did not issue any orders or updates in that case for more than 15 months.** Miller's civil suit remained in limbo until September 25, 2023, when the Magistrate Judge issued his Findings, Conclusions, and Recommendation. Doc.25.

4. In the meantime, Miller removed a related state Family Court case to this federal Court on July 31, 2023. (*See* NDTX case no. 3:23-CV-1696). That case was also assigned to Judge Ada Brown.

5. In Miller’s prior (his second) Section 1443 case removal to this Court, in 2018, Miller notified the Court that state Judge Andrea Plumlee had served as President of her chapter of the Alpha Kappa Alpha sorority while she attended the University of North Texas. *See* NDTX case no. 3:18-CV-967, Doc.3 at 32. This information was contained in Judge Plumlee’s *curriculum vitae*, provided in literature connected to a State Bar CLE presentation Plumlee gave in 2014. *See* http://www.texasbarcle.com/Materials/Events/13158/165132_01.pdf at 5, accessed August 31, 2023; a copy Judge Plumlee’s CV is attached as **EXHIBIT A**.

6. On August 18, 2023, Judge Ada Brown issued a show cause order on “bad faith” in his pending removal. (*See* Doc.19 in NDTX case no. 3:23-CV-1696). The language and content of Judge Brown’s were far from neutral and impugned Miller’s motives—to the point of disparagement. *Id.*; *see* Miller’s response in Doc.21 in NDTX case no. 3:23-CV-1696.

7. Miller—pondering the biased tone of Judge Brown’s show cause order, her improper dismissal of Miller’s 2020 civil suit, and the Court’s extreme delay in resuming that suit—began to wonder about Judge Brown’s motives, and if she had any personal connections to the state court judges, or to Ms. Dunn. So recently he started doing some research.

8. Miller discovered that Judge Ada Brown is also a member of Alpha Kappa Alpha sorority, and that she has been active from “1994-present”. This

information is contained in a Questionnaire for Judicial Nominees on the website of the United States Senate Judiciary Committee. *See* <https://www.judiciary.senate.gov/imo/media/doc/Ada%20Brown%20SJQ%20-%20PUBLIC.pdf> at 6, accessed August 31, 2023. (A relevant excerpt of this Questionnaire is attached as **EXHIBIT B.**)

9. Judge Brown also mentions that she has also been an active member of the Junior League of Dallas from “2017-present”. *Id.* **Miller has knowledge that his ex-wife Virginia Talley Dunn, the state court petitioner in the instant removal, is also a sustaining member of the Junior League of Dallas.**

10. Miller also discovered that state court judge Danielle Diaz is also an “active member” of the Alpha Kappa Alpha sorority, and that Diaz is also “very active in the Junior League of Dallas.” This information is contained in a 2020 Facebook post by the GBDC Entrepreneurship Institute; *see* https://m.facebook.com/story.php/?id=411973805607901&story_fbid=1708845892587346, accessed August 31, 2023. An image of this Facebook post is attached as **EXHIBIT C.**

11. Alpha Kappa Alpha is not just a college-days sorority—its members are often active in the organization for life, and its connections are often vital for their professional development. The importance of Alpha Kappa Alpha to its “sorors” is reflected in an article by a member named Leah Ward Sears that Miller found on the LinkedIn website:

“Many people think of sororities simply as a facet of collegiate life leading up to graduation. As someone who didn’t join a sorority until after my undergraduate and law school years, I know that Alpha Kappa Alpha’s sense of sisterhood remains strong throughout a member’s adult life. Being a soror is also valuable for the network it provides. Members share career opportunities as well as form long-term associations and friendships.”

(Sears, Leah Ward. “The Importance of my Sorority to My Professional and Personal Life” LinkedIn. <https://www.linkedin.com/pulse/importance-my-sorority-professional-personal-life-leah-ward-sears> at ¶ 8, accessed August 31, 2023.)

12. Given that Judge Brown, Judge Plumlee, and Judge Diaz are all members of Alpha Kappa Alpha, it is likely that the Judge Brown knows the state court judges—and that she feels an allegiance to her fellow “sorors”. It is equally likely that Judge Brown knows Judge Diaz through their mutual current membership in the Junior League of Dallas. And it is certainly possible that both Judge Brown and Judge Diaz are aware that Dunn is also a Junior League member, since that organization maintains a membership directory.

13. These sorority and philanthropic connections between Judge Brown, Judge Plumlee, Judge Diaz, and Ms. Dunn present a very real possibility—or even the actual existence—of impartiality on the part of Judge Brown.

14. Further, that fact that Miller, a pro se litigant without a law degree, successfully appealed Judge Brown’s dismissal of his 2020 civil suit to the 5th

Circuit and reversed her ruling might also reasonably cause Judge Brown to be biased against him.

15. Under the federal law, “Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S. Code § 455(a). A judge must also disqualify himself (or herself) “Where he has a personal bias or prejudice concerning a party”. 28 U.S. Code § 455(b)(1).

16. Any reasonable person would conclude that Judge Brown’s “impartiality might reasonably be questioned” given these circumstances; thus grounds exist for disqualification under 28 U.S. Code § 455(a). If Judge Brown admits that she “has a personal bias or prejudice concerning a party” in this case, then she must recuse herself under 28 U.S. Code § 455(b). Due Process demands it.

II. Demand for Disclosure

17. Miller requests that Judge Ada Brown disclose the nature and extent of any personal or organizational connections she may have with Judge Andrea Plumlee, Judge Daniele Diaz, and/or Virginia Talley Dunn.

PRAYER

WHEREFORE, the undersigned removal *Petitioner*, Bradley B. Miller, formally prays that Judge Ada Brown be disqualified from these proceedings, and

that another impartial judge be assigned in her place. Miller also further moves and prays for all other relief true and just within these premises.

Respectfully submitted,

/s/ Bradley B. Miller
Bradley B. Miller
5701 Trail Meadow Drive
Dallas, TX 75230
Tel: (214) 923-9165
Email: tech@bbmcs.com
Pro Se Petitioner

VERIFICATION

I hereby declare, verify, certify and state, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed at Dallas, Texas, this 9th day of October, 2023.

/s/ Bradley B. Miller
Bradley B. Miller

CERTIFICATE OF SERVICE

I hereby certify: that on this 9th day of October, 2023, a true and complete copy of the above *motion*, via the Court's electronic filing system, has been duly served upon the following:

Virginia Talley Dunn
7147 Azalea Lane
Dallas, TX 75230

Hon. Andrea Plumlee
330th District Court
600 Commerce Street
Dallas, TX 75202

Hon. Danielle Diaz
330th District Court
600 Commerce Street
Dallas, TX 75202

Patricia L. Rochelle #13732050
4502 Abbot Ave., #216
Dallas, TX 75201

David H. Findley # 24040901
Orsinger Nelson Downing & Anderson LLP
2600 Network Blvd., Ste. 200
Frisco, TX 75034-6010

Maryann Mihalopoulos # 03087475
Brousseau Naftis & Massingill, P.C.
3932 Potomac Ave.
Dallas, TX 75205

(Counsel for The Hockaday School)
Stuart M. Bumpas # 03340000
Locke Lord LLP
2200 Ross Ave., Ste. 2800
Dallas, TX 75201-6776

Meredith Leyendecker
10536 Vinemont St.
Dallas, TX 75218

Beth Taylor
3219 Saint Croix Dr.
Dallas, TX 75229

John Sughrue
4709 Watauga Rd.
Dallas, TX 75209

Lacie Darnell (#10468)
1400 S. Lamar Street
Dallas, TX 75215

Michael Charles Keller (#9888)
1400 S. Lamar Street
Dallas, TX 75215

(Defendant Dallas County)
(Dallas County Judge)
Hon. Clay Jenkins # 10617450
411 Elm Street #250
Dallas, TX 75202

(Defendant The City of Dallas)
(Dallas City Attorney)
Tammy Palomino # 24037235
Interim City Attorney
1500 Marilla Street
Dallas, TX 75181

/s/ Bradley B. Miller
Bradley B. Miller

CERTIFICATE OF CONFERENCE

Because none of the Defendants have yet been served with Plaintiff's Complaint (and thus made parties to this case), Plaintiff did not confer with Defendants regarding this motion.

/s/ Bradley B. Miller
Bradley B. Miller

EXHIBIT A

ANDREA D. PLUMLEE
PRESIDING JUDGE - 330TH JUDICIAL DISTRICT

PROFESSIONAL EXPERIENCE

ANDREA D. PLUMLEE
330th Family District Court
Dallas, Texas

January 2011 to present

PLUMLEE & ASSOCIATES, P.C.
Dallas, Texas

January 2002 to December 2010

Firm with primary focus on family law and child welfare litigation, representing clients at all stages of proceedings, including administrative processes, investigation, pre-trial hearings, trial and appeal. Responsible for training and mentoring one associate. Maintain an active mediation practice primarily in the area of family law with a focus on child welfare litigation.

WATTLEY & PLUMLEE, L.L.P.
Dallas, Texas

January 1999 to December 2001

Partner in a small firm with primary focus civil litigation. Experienced in Title VII litigation, juvenile defense, family and child welfare litigation, representing clients at all stages of proceedings, including administrative processes, investigation, pre-trial hearings, trial and appeal. Maintain an active mediation practice primarily in the area of family law with a focus on child welfare litigation.

SOLE PRACTITIONER, CIVIL LITIGATION
Dallas, Texas

November 1993 to December 1998

Engaged in private practice of law primarily personal injury, juvenile defense, family and child welfare litigation. Title VII and civil rights litigation.

MEDIATION EXPERIENCE: Over 1,000 mediations conducted, primarily family law and suits affecting the parent-child relationship (600 mediations have been Child Welfare cases).

Mediation / Arbitration Training

Theory and Practice of Conflict Management (24 hours)
Sponsored by Association of Attorney-Mediators

July 1998

Family Law / Divorce Mediation (40 hours)
Sponsored by Texas Women's University

January 1999

Conflict Resolution / Advanced Communications (40 hours)
Sponsored by Texas Women's University

May 1999

Child Protective Services Mediation Training (24 hours)
Sponsored by Children's Justice Project

August 2000

Presenter / Teaching

Panelist: Family Law & The Grievance Process August 2010
Sponsored by Dallas Bar Association

Getting to Resolution: *How to Diffuse the Emotional Client in Family Law* October 2009
Sponsored by J.L. Turner Legal Society

Panelist: 2004 Child Welfare Symposium - Abused Children in State Care: Are Their Best Interests Being Served? *The Foster Care System: Addressing Abuse in a Child's Home Away From Home* (October)
Sponsored by W.W. Caruth, Jr. Child Advocacy Clinic SMU Dedman School of Law

Presenter: Guardian Ad Litem Training - *The Role of the Guardian* June 2000
Co-Sponsored by 304th and 305th Judicial District Courts

Presenter: Three-day CPS Mediation Training (24 hours) October 2000
Sponsored by Children's Justice Project

Presenter: *Target Kids in Court: Culture In Mediation* March 2001
Sponsored by Target Kids in Court

PRE-LEGAL PROFESSIONAL EXPERIENCE

DALLAS CENTRAL APPRAISAL DISTRICT August 1986 to August 1990
Dallas, Texas

Senior Staff Appraiser - Research and Development. Responsible for the development and implementation of new market data. Compiled statistical data from appraisals, land and commercial sales for use during the appraisal review process. Responsible for staff of five (5) meeting the required annual goals

THE EQUITABLE Summer Internship 1982 - 1985
Dallas, Texas

Responsible for the analysis of cash flow data for current projects in the development stage. Run internal rates of return and check capital expenditures for reconciliation against posted ledgers. Attend all staff meetings and visit construction sites and give written progress reports to supervisor.

PROFESSIONAL AFFILIATIONS

Admitted to Practice:

United States District Court, Eastern District of Texas	Spring 1998
United States District Court, Northern District of Texas	January 1995
State of Texas, Texas Bar	November 1993

Professional Associations:

Member, Annette Stewart Inns of Court *September 2003 - present*

Member, College of the State Bar *September 1998 - present*

Member, Texas Trial Lawyers Association

Member, J.L. Turner Legal Association

Member, Dallas Bar Association

Family Law Section - Former Board Member, appointed March 2002 - December 2003

Juvenile Law Section

ADR Section

Southwestern Legal Foundation: *Patrick Higginbotham* Inns of Court (former member)

Former Member, District 6A Grievance Committee (Vice-Chair) *Two terms July 1997 - 2003*

EDUCATION

Southern Methodist School of Law, 1993 Dallas, Texas

Juris Doctorate

Moot Court Finalist

Participant in both Criminal and Civil Clinics.

North Texas University, 1986 Denton, Texas

Bachelor of Business Administration Degree; concentration in Real Estate Finance and Transactions. Dean's List 1985 and 1986; Additional honors include Member, President's Council, Alpha Kappa Alpha Sorority (former President)

COMMUNITY ACTIVITIES

City of Rowlett, *Arts & Humanities Board Member*

Pro Bono Attorney, The Family Place

Volunteer Attorney, North Texas Legal Services

Participant - Interim Advocate Program

Target Kids In Court, *Former Steering Committee Member*

**EXHIBIT
B**

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Ada Elene Brown

2. **Position:** State the position for which you have been nominated.

United States District Court for the Northern District of Texas

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

600 Commerce Street, Suite 200
Dallas, Texas 75202

Residence: Plano, Texas

4. **Birthplace:** State year and place of birth.

1974; Oklahoma City, Oklahoma

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1996 – 1999, Emory University School of Law; Doctor of Law, 1999

1992 – 1996, Spelman College; Bachelor of Arts (magna cum laude), 1996

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

Higginbotham Inn of Court
Barrister (2010 – 2013)

House Bill 7 Task Force Committee (2017– present)

JL Turner Bar Association (2007 – present (intermittent))

National Bar Association (2008 – 2018 (intermittent))

SCRIBES American Society of Legal Writers (2009 – present (intermittent))

Texas Center for the Judiciary
Board member (2016 – 2018)
Chair-Elect (2018)

William “Mac” Taylor Inn of Court
Barrister (2014 – present)

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Texas, 2000

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States District Court for the Northern District of Texas, 2007
United States District Court for the Eastern District of Texas, 2007
Supreme Court of Texas, 2000

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

African-African Republican Club of Collin County (2015 – present)

Alpha Kappa Alpha Sorority (1994 – present (intermittent))

Choctaw Nation of Oklahoma Tribal Member (1974 – present)

Dallas County Council of Republican Women
Recording Secretary (2010)

Daughters of the American Revolution, Elizabeth Gordon Bradley Chapter
(2010 – present)

Golden Corridor Republican Women's Club (2012 – present)
Lincoln Day Dinner Chair (2014)

Junior League of Dallas (2017 – present)
Diversity and Inclusion Committee (2018)

Mensa (1994 – present)

National Society of the Women Descendants of the Ancient and Honorable
Artillery Company (2010 – present)

Northway Christian Church
Volunteer Grief Counselor (2008 – 2009)

Supreme Court of Texas Beyond the Bench Planning Committee (2016 – 2017)

Texas Commission on Law Enforcement Officer Standards and Education
Commissioner (2007 – 2008)

Texas Department of Public Safety Commission
Commissioner (2008 – 2013)


Texas Department of Public Safety Foundation (2012 – 2018)
Vice-President and Member of Board of Directors (2013 – 2016)


Texas Mayflower Society and DFW Colony (2010 – present)

White Rock Republican Women's Club (2003 – 2013 (intermittent))

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization

**EXHIBIT
C**

 Judge Danielle T. Diaz Joins the... - GBDC Entrepreneurship Institute | Facebook

 **GBDC Entrepreneurship Institute**
September 7, 2020 at 10:22 AM · 🌐

Judge Danielle T. Diaz Joins the Global Youth Social & Criminal Justice Forum Panel. This is a worldwide event. We are focused on global citizenship, future leaders.

GBDC Entrepreneurship Institute is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/93389558273?pwd=YXhNUeppbS82ckhzWVY1enB1S0JYQT09>

Meeting ID: 933 8955 8273

Passcode: GBDCEI

Judge Danielle T. Diaz is a native of the Dallas area. She attended school in the Lancaster Independent School District. She received a Bachelor of Arts in Government and Sociology from the University of Texas at Austin and a Juris Doctorate from Thurgood Marshall School of Law in Houston, Texas.

Currently, she is an Associate Judge for the 330th District Court in Dallas, Texas and has held the position since March 2015. The 330th District Court is a Family Law Court in Dallas, Texas with Judge Andrea D. Plumlee presiding. Prior to being appointed as an Associate Judge, Judge Diaz worked at the Office of Attorney General in Dallas as an Assistant Attorney General and received the Attorney of the Year Award in 2014.

Judge Diaz is an active member of the Upsilon Lambda Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated. She is currently very active in the Junior League of Dallas. Judge Diaz is an adjunct professor at the University of Phoenix teaching in the College of Security and Criminal Justice and School of Business. She is married with two children and attends church faithfully in Dallas, Texas. She has participated on numerous panels and various speaking engagements throughout the community and will continue her activeness.

